

Appl. No. 10/549,435  
Amdt. dated August 28, 2008  
Reply to O.A. of June 20, 2008

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Fig. 1. The replacement sheet, which includes Fig. 1, replaces the original Fig. 1.

Fig. 1 has been amended to make the reference numbers more legible.

Attachment: 1 - Replacement Sheet

1 - Annotated Sheet Showing Changes

Remarks

Claims 1-31 and 33-44 are pending and under consideration in the present application.

Applicants respectfully traverse and request reconsideration and withdrawal of the rejection of claims 1-31 and 33-44 as obvious over Murayama et al. in view of Wiseman et al. Claim 5 has been amended herein to overcome the Examiner's objections. Further, applicants respectfully traverse the objection to the drawings. Revised drawings with legible reference numbers are provided herewith to overcome such objection.

According to the Office action, Murayama et al. discloses "a volatile substance dispensing system comprising: ... a programmable microprocessor for controlling the emission of different volatile substances from a plurality of dispensers." The Office action admits that Murayama et al. "does not expressly disclose a knob for controlling the volatile substance emission or mode lever that enables a user to switch between programs." To remedy this deficiency of Murayama et al., the Office action cites Wiseman et al. for its disclosure of "a knob for controlling the volatile substance emission and a lever that enables a user to switch between programs."

Applicants take the position that there is no *prima facie* case of obviousness for the present claims over Murayama et al. in view of Wiseman et al. The Office action contends that "it would have been obvious to a person of ordinary skill in the art to use a knob for controlling the volatile substance and a lever to switch modes for a dispensing system." The basis for this rejection stated in the Office action is that one of ordinary skill in the art would have been motivated to combine Murayama et al. and Wiseman et al. in order to provide a user friendly interface for controlling a dispensing system.

The basis for the Office action rejection noted above breaks down in light of the fact that a person of ordinary skill in the art would not have been motivated to combine Murayama et al. and Wiseman et al to arrive at a knob and/or lever that allows a user to instruct a microprocessor or one or a plurality of electromechanical volatile substance dispensers or an electromechanical dispenser, as recited in the claims at issue because the purpose or function of the invention disclosed in Murayama et al. would be destroyed. This conclusion is supported by the reality that Murayama et al. requires the ability to measure and respond to an environmental characteristic and generate a control signal that selectively

causes an aroma-causing agent or an aroma-removing agent to be released in response to the environmental characteristic. (*See* Murayama et al. col. 9, lines 4-9). The modification of the Murayama et al. system as proposed by the Office action to include the knob or lever of Wiseman et al. for controlling the volatile substance or to switch modes would fundamentally change the principle of operation of the Murayama et al. system because the Murayama et al. system would become dependent on manual operation via the knob or lever switch as taught by Wiseman et al., and thereby be unresponsive to environmental conditions.

Moreover, the criticality of being able to measure and respond to an environmental characteristic would be destroyed if the knob or lever as taught in Wiseman et al. were incorporated in the Murayama et al. system, thereby rendering the Murayama et al. system unsuitable and inoperable for its intended purpose. Specifically, Wiseman et al. teaches that: “the present invention provides a new automatic scent dispensing system construction wherein the same can be utilized for distributing scents throughout a building on a user-adjustable schedule without requiring user attention.” (Wiseman et al. col. 1, lines 35-39). “If the proposed modification or combination of the prior art would change the principle of operation of the primary reference or render the reference inoperable for its intended purpose, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” *See* MPEP 2143.01 (VI)

Further, the basis for the Office action rejection breaks down in view of the fact that Murayama et al. teaches away from using static control signals to control the release of volatile substances such as the knob and lever disclosed in Wiseman et al. In this regard, the Murayama et al. specification provides a lengthy discussion of the defects of the prior art and specifically criticizes the use of static control signals that do not adapt in response to environmental changes. For example, the Murayama et al. specification states that:

The aroma dispensing system [of a known scent generation system] circulates a selected aroma-causing agent through air ducts based upon a control signal. However, the control signal is limited to the relatively constant generation of a selected scent.” (Murayama et al., col. 1, lines 48-52).

Murayama et al. proposes to remedy this defect by providing a scent generation system that is able to respond to “the control signals [that] are generated in response to certain conditions of the environment.” and that specify one of a variety of distinctive olfactory stimuli. (Murayama et al., col. 1, lines 61-63). Therefore, in light of the above teaching of Murayama

et al. disparaging the use of a dispensing system having static control signals, the applicants respectfully contend that it would appear that one skilled in the art would not be motivated to use a knob for controlling the volatile substance or a lever to switch modes as disclosed in Wiseman et al. because such knob or lever is not responsive to an environmental characteristic and is not able to generate a response thereto as required by Murayama et al. Consequently, there is no reasonable basis to conclude that one of ordinary skill in the art would have been motivated to take the static controls of Wiseman et al. and use such controls in a system taught in Murayama et al. that requires dynamic response to environmental characteristics.

Furthermore, the June 20, 2008 Office action provides no evidence to suggest the recited volatile substance dispensing system or method. Moreover, the June 20, 2008 Office action does not establish that there is an identified, predicted solution or that there was a design need or market pressure to modify the system of Murayama et al. in light of the Wiseman device to arrive at the claimed dispensing system or method of claims 1, 8, 12, 21, 26, 33 or 35. Still further, there is no reasonable basis provided in the Office action that one skilled in the art would have pursued the known options within his or her technical grasp to make the proposed modification of Murayama et al. with Wiseman et al. to arrive at the dispensing system recited in claims 1, 8, 12, 21, 26, 33 or 35. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007). Withdrawal of the rejection of claims 1-31 and 33-44 under 35 U.S.C. § 103(a) is therefore respectfully requested.

Still further, because independent claims 1, 8, 12, 21, 26, 33 or 35 are not disclosed or suggested by the cited art, it stands that any claim dependent on such independent claims is not disclosed or suggested by the cited art. As a result, each of claims 2-7, 9-11, 13-20, 22-25, 27-31, 34, and 35-44 is allowable for, at least, the reasons discussed above with regard to each respective independent claim.

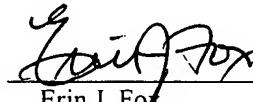
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**Deposit Account Authorization**

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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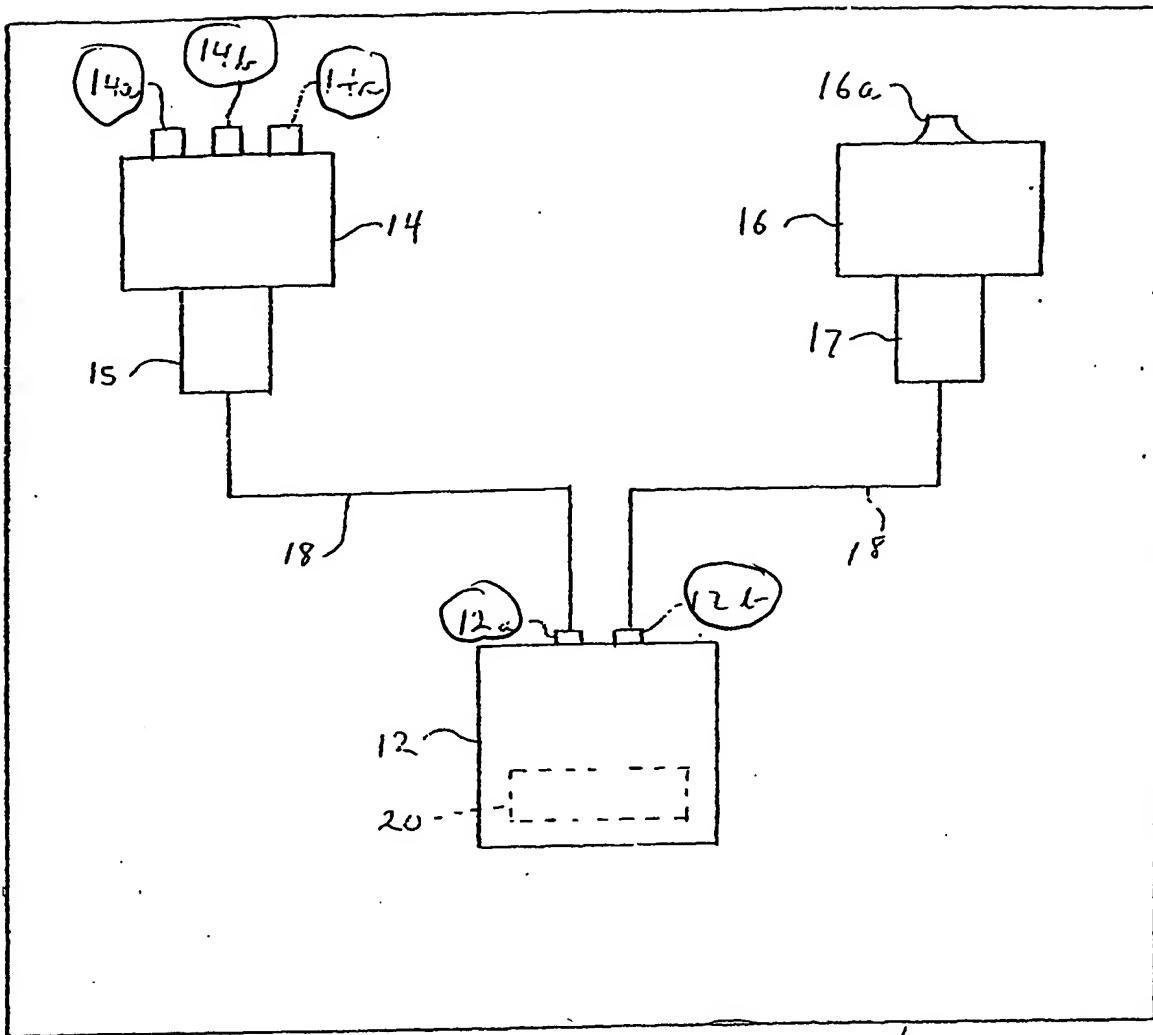


Fig 1

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